

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:18-cv-00440-MOC-DSC

PASHEENA DAYS )  
WESLEY E. DAYS, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
**BAYVIEW LOAN SERVICING, LLC et al.** )  
 )  
 )  
Defendants. )

ORDER

**THIS MATTER** is before the Court on Bayview Defendants' Motion to Compel Mediation (Doc. No. 86), and Plaintiffs' pro se Motion to Amend Complaint (Doc. No. 89). A hearing was held on these motions on October 30, 2020. Given the procedural complexity of this case and applicable policy considerations, the Court will grant Plaintiffs' Motion to Amend (Doc No. 89). Plaintiffs are not to amend their complaint again without consulting the court and only in extraordinary circumstances.

Defendants argue amendment is futile as this is now the eighth motion filed by Plaintiffs to amend their complaint. (Docs Nos. 27, 29, 34, 35, 36, 40, 62, 89). The Court acknowledges as true that Plaintiffs have consistently impeded the progress of this case by repeatedly taking it back to the initial pleading stage, failing to communicate with Defendants, rejecting any attempt at mediation, and refusing to take advantage of a program that would provide them the assistance of counsel. Nevertheless, the Court notes that there is a strong policy in favor of liberal amendment and that pro se plaintiffs are entitled to leniency. The Court has been extremely lenient with Plaintiffs thus far. The Court encourages Plaintiffs to strongly consider both mediation and taking

advantage of the Court's programs that will provide an attorney to them at no cost. Defendants may file another motion to dismiss the newly amended complaint if they so wish.

Furthermore, this Court will decline to compel mediation at this time. In doing so, this Court recognizes that Defendants have been highly attentive to this matter and are eager to resolve a case that has taken up extensive time and resources.

Having considered the motions and reviewed, the Court enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that

1. Plaintiffs' pro se Motion to Amend Complaint (#89) is **GRANTED**;
2. Bayview Defendants' Motion to Compel Mediation (#86) is **DENIED**.
3. Plaintiffs' are instructed to file their amended complaint in the court's electronic filing system within 14 days of the issuance of this order.

Signed: November 21, 2020

  
Max O. Cogburn Jr.  
United States District Judge